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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-ninth session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 21 August 1997, at 10 a.m.

Chairman: Mr. BENGOA

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS (continued)

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission and Commission on Human Rights resolution 8 (XXIII) (agenda item 2) (continued)

Draft resolution E/CN.4/Sub.2/1997/L.8 (continued)

1. Mr. FAN said that it was unnecessary to adopt a specific resolution concerning Bahrain. Each country had its own way of demonstrating democracy, its own rule of law and its own approach to safeguarding the interests and rights of its people. The third preambular paragraph, for example, went too far in denying the existence of any democratic institutions in Bahrain. Countries might be republics or they might be ruled by kings or sheikhs, but the Sub-Commission should concern itself with human rights, not the basic structure of a State. In any case, Bahrain had made progress in the field of human rights.

2. Mr. EIDE said that he was bewildered by Mr. Fan's remarks. He recalled the provisions of article 21 of the Universal Declaration of Human Rights, which stated that everyone had the right to take part in the government of his country, directly or through freely chosen representatives, and that the will of the people should be expressed in periodic elections by universal and equal suffrage, which appeared not to be the case in Bahrain. If the observer for Bahrain could persuade him otherwise, he would reconsider his position.

3. Mr. EL-HAJJÉ expressed surprise that no one had consulted him, as an expert on the Arab world, on the draft resolution. There was no single way of governing a country and article 21 of the Universal Declaration of Human Rights did not properly apply to the situation of Bahrain. He recalled that the National Assembly had been dissolved at a time of upheavals, crises and wars in the region, which had to be taken into account. There was, in any case, the Consultative Council, which although not elected was representative of the country's leading figures, people with a good knowledge of public affairs. It was undeniable that there were problems in the country, but the way to deal with them was to engage in dialogue with the opposition, representatives of whom were present at the current session. Violence, on the other hand, resolved nothing; Bahrain had to put behind it the period of violence and build for the future. He appealed to the sponsors of the draft resolution to think again and withdraw the draft resolution.

4. Mr. AL-HADDAD (Observer for Bahrain) said that, as his Government had reiterated, the events and activities with which it had to deal were terrorist-related and it deplored the baseless and unsustainable allegations contained in the information to which the draft resolution referred. The allegations were recognizably terrorist propaganda directed against his country. The international human rights movement was constantly manipulated

and abused by terrorists and their supporters, who disseminated gross misinformation in support of their cause, thus debasing the very foundations of human rights. Their agenda was purely political and their objectives were the destabilization not only of Bahrain but of the whole region.

5. His Government was well aware of the underlying social and economic issues and had made strenuous efforts to address them in a positive and even-handed manner. Bahrain was a secure, peaceful, progressive, tolerant and diverse society, in which foreign expatriates worked in numerous fields alongside Bahrainis. It provided a unique social environment where people were free to practise their religions and rituals without fear of discrimination, persecution, or interference.

6. Bahrain's citizens participated in the running of the country through the consultative system, which was consensual rather than confrontational, including direct personal access to the country's Amir and government officials. There was widespread public discussion through the broadly based and representative Consultative Council, as well as the media and other established institutions.

7. Bahrain was proud of its welfare provisions, including free health care and education for all. It had also become a financial, industrial, commercial and international conference centre. The Government and people of Bahrain were not prepared to see such achievements destroyed by terrorism. Bahrain had focused heavily on economic and social development, in order to provide a good standard of living for its people. It thus had one of the lowest infant mortality rates in the world; its gross domestic product per capita was higher than in many other countries; and for the third consecutive year it had come top in the Arab world for achievements in development.

8. The Government throughout dealt with this situation in an entirely fair and proper manner, balancing the requirements of public order and individual rights. The detention of all those arrested in connection with the disturbances had been determined independently by due process of law and in compliance with international principles on a fair trial and treatment of prisoners. The Government's commitment to human rights had been demonstrated by its recent signing of a memorandum of understanding with the International Committee of the Red Cross (ICRC), reflecting the long-standing relationship of cooperation between the two parties, under which the ICRC conducted visits to prisoners in Bahrain with the Government's full cooperation. Bahrain had consistently cooperated with the Commission on Human Rights and the Sub-Commission and remained committed to the protection of individual freedoms and rights for all citizens, regardless of race, colour, creed or origin. It was a party to the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Prevention and Punishment of the Crime of Genocide. It attached the utmost importance to its obligations and would give serious consideration to acceding to other international treaties in the field of human rights. It particularly noted in that regard the Vienna Declaration and Programme of Action, whose recognition of the universality, indivisibility and interdependence of all human rights would continue to influence the Government's policies.

9. He urged the Sub-Commission to reject the draft resolution and stand shoulder to shoulder with Bahrain in its fight to eliminate terrorism and promote the peace and security valued and cherished by the Bahraini people and the international community.

10. A vote was taken by secret ballot.

11. At the invitation of the Chairman, Mr. Diaz Uribe and Mrs. Warzazi acted as tellers.

12. The draft resolution was adopted by 12 votes to 11, with 1 abstention.

Draft resolution E/CN.4/Sub.2/1997/L.13

13. Mr. JOINET said that in the last preambular paragraph and in paragraph 2 the word "first" preceding "periodic report" had slipped into the text and should be deleted.

14. Mr. GUISSÉ preferred not to use the United Nations as a stick with which to beat other countries. It would be a mistake to adopt such a resolution when a process of reconciliation was taking place and two countries that had been separated by history were being brought closer together. He therefore believed that the Sub-Commission should encourage that process and that consideration of the draft resolution should be postponed to a later session.

15. Mr. ALFONSO MARTÍNEZ said that a secret ballot laid an obligation on members to explain how they voted. He was opposed to the draft resolution, which was inappropriate at a time when consultations were taking place between the Democratic People's Republic of Korea and both the Republic of Korea and Japan. He was particularly concerned about the potential effect on the talks between the two countries occupying the Korean peninsula; the Sub-Commission should consider what could be gained and what might be endangered by adopting the draft resolution. The only benefit would be a political one, welcome to the media in the Republic of Korea, in particular; but there was a far greater danger of inducing a negative reaction in the Government of the Democratic People's Republic of Korea: tension had already palpably increased. The error made by Mr. Joinet, which he sought to correct, was symptomatic of the selectivity shown in the choice of country to form the target of a draft resolution.

16. As to the delay by the Democratic People's Republic of Korea in submitting its first periodic report, referred to in the last preambular paragraph of the draft resolution and in its paragraph 2, information he had gleaned in the Centre for Human Rights revealed that, of the 123 States that had ratified the International Covenant on Civil and Political Rights, no fewer than 84 had overdue reports. Of those 84 States, 24 had still not submitted their first periodic report - an obligation with which the Democratic People's Republic of Korea had complied in a timely manner. Nineteen of those 84 States had, like the Democratic People's Republic of Korea, two overdue reports; and 7 States had no fewer than three overdue reports. Why, then, had that one State been singled out for failing to comply with its reporting obligations, at an extremely politically sensitive moment for the peninsula as a whole, and at a time of grave economic crisis for the

State in question? Why was the same treatment not meted out to the 83 other Governments whose reports were overdue, many of which had enormous human and material resources at their disposal? That decision could be explained only as a classic example of the selective use of facts to achieve political ends.

17. Lastly, he was concerned to observe a new and disturbing trend, whereby draft resolutions were submitted in the Sub-Commission as a bargaining counter, replacing action by other United Nations bodies, and, in particular, recourse to the so-called "special procedures" (working groups, special rapporteurs, etc.) vis-à-vis selected countries. The Sub-Commission's independence must be respected, and it must not be seen merely as a prop for the actions of other United Nations bodies. The Sub-Commission and the Commission alike must give serious consideration to that matter, and must take appropriate measures to ensure that the need for cooperation with other United Nations bodies was not misinterpreted. When voting on the draft resolution, his approach would reflect those deep concerns. However, in the light of the arguments he had put forward, he urged the sponsors to withdraw the draft resolution, rather than placing the Sub-Commission in the invidious position of having to vote on it.

18. Mr. EIDE said that, like the division of Germany, the division of Korea had been a product of the cold war. He was confident that, the cold war being over, that problem would be resolved in the not too distant future. Meanwhile, the Sub-Commission's concern was, not to attack the population of the Democratic People's Republic of Korea, but to address the tragic situation it faced because of mismanagement by a particular kind of Government. One aspect of that mismanagement was the use of mass internments in administrative detention centres and serious restrictions of the right to leave one's own country and to return. Mr. Alfonso Martínez had focused on the significance of the delay in submission of the report of the Democratic People's Republic of Korea. He himself placed less emphasis on that delay than on the subsequent components of the draft resolution, contained in its crucial paragraphs 3 and 4. The Sub-Commission was not singling out a country for attack; but it was deeply concerned at the way in which that country was presently governed and at the consequences thereof for the people living in that country. He therefore hoped that, having regard to those consequences, members would vote in favour of the draft resolution.

19. Mr. JOINET said that he would try to explain the reasons for his initiative. He had listened attentively to the remarks made by Mr. Alfonso Martínez, but could not endorse his approach. There were two schools of thought: those who believed that anything that was good for the State was good for the people; and those who believed that anything that was good for the people was good for the State. The draft resolution was not directed against a State as such. But he wondered what would become of the Sub-Commission if it was henceforth to be deemed inappropriate to voice the slightest reproach against a State.

20. Regarding the late submission of the report, he deplored the fact that his own country, France, was also at fault in that regard. He also conceded that the Democratic People's Republic of Korea had indeed cooperated, inasmuch as it had ratified the Covenant. But ratification of the Covenant in itself meant nothing: the former Soviet Union had been one of the 35 signatories

whose ratifications had enabled the Covenant to enter into force, but nonetheless an extremely dramatic state of affairs had subsequently come to light. The situation in the Democratic People's Republic of Korea might be worse than some believed. The key provision of the draft resolution was thus its paragraph 3, which was clearly not addressed solely to the State concerned. The Sub-Commission was surely entitled to speak out on behalf of a people that apparently had little opportunity to speak on its own behalf.

21. The possibility that the Government of the Republic of Korea might try to manipulate media material was to be deplored. He had been accused of allowing himself to be manipulated, but he had acted in all good faith, and his colleague Mr. Park had known nothing of the draft resolution. As independent experts, members were entitled to take initiatives concerning a country, in order to help victims of human rights violations. As for Mr. Guissé's suggestion that the draft resolution might imperil ongoing negotiations, the Sub-Commission was not the Security Council, and he would indeed be astonished if such a relatively minor draft resolution had the power to affect the outcome of those negotiations.

22. Mr. PARK said that, in the first place, the Democratic People's Republic of Korea was a party, not only to the International Covenant on Civil and Political Rights, but also to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of the Child. Secondly, in recent months the Democratic People's Republic of Korea had repeatedly appealed to countries and to intergovernmental organizations, including the World Food Programme, for food assistance. Thirdly, as he read it, the operative part of the draft resolution contained no condemnation or accusation. It was formulated in a careful and transparent manner. Lastly, the draft resolution invited the international community to help the Democratic People's Republic of Korea to overcome its present food shortage. As a Korean, he had continued to assert privately that the people in the south of Korea should help their brothers and sisters in the north. He had not changed his mind in that regard. In his view, the draft resolution reflected the sincere appeals and wishes of the entire Korean people.

23. Mr. FAN Guoxiang said that he had maintained a consistent personal position with regard to any draft resolution concerning the Korean peninsula. As other speakers had pointed out, the tragic division of the peninsula had come about in the aftermath of the Second World War. The Sub-Commission must therefore do its utmost to help achieve peace and stability in the region, by seeking a resolution of the nuclear issue and a rapprochement between the two Koreas, as well as with their neighbours.

24. Some speakers had claimed that the draft resolution was mild in tone, and that, rather than condemning the Democratic People's Republic of Korea in any way, it expressed sympathy for the country's current economic plight. He himself considered that, if it was only a matter of rendering economic assistance, then it was for the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and other related specialized agencies to render such assistance. Neighbouring

countries, including the Republic of Korea and, on more than one occasion, China, had also provided substantial food aid. There was thus no need to reiterate the appeal to the international community contained in paragraph 4 of the draft resolution.

25. As to the rest of the draft resolution, his impression was that the Democratic People's Republic of Korea was criticized therein for failing to comply with various obligations. He did not think that a draft resolution of that nature would help the cause of rapprochement or the bilateral, trilateral or quadrilateral negotiations that were imminent or, indeed, already in progress. The present atmosphere of confrontation made it difficult for the parties to those talks to fulfil their respective obligations. With due respect to the sponsors, he could not accept that the text was mild in tone, or submitted in a helpful spirit.

26. Mr. ALFONSO MARTÍNEZ, responding to Mr. Eide's remarks, said that of the three key issues relating to the draft resolution, the issue of the selectiveness of its approach was perhaps the least important. More important questions were whether it was timely, and what effective purpose it served - what perils and what benefits its adoption might bring.

27. Mr. Eide had stressed that the Sub-Commission's main concern must be the way in which the people of the Democratic People's Republic of Korea was being governed. That point was directly linked with Mr. Joinet's remark that there were two schools of thought on the matter. There were indeed two schools of thought: those who believed that humanitarian goals could be achieved through selective political harassment in the framework of the United Nations; and those who, like himself, believed that, in accordance with the Charter of the United Nations, those goals should be channelled through cooperation rather than coercion. He was not so sure that everything that was good for the State was good for the individual; on the other hand, he was indeed sure that not every action taken against the Government of a State would necessarily be to the benefit of the people of that State. History, and notably the recent history of Central and Eastern Europe, abounded in examples of changes that had been to the detriment of peoples. In any case, he was convinced that the draft resolution was selective and that it would be inappropriate to adopt it.

28. Mrs. ATTAH said that permanent peace in the Korean peninsula was a goal desired by all. In the present draft resolution, however, the Sub-Commission was treading on dangerous ground. She had already had occasion to remark that at its current session the Sub-Commission seemed to have been searching for situations on which to adopt draft resolutions.

29. Draft resolution L.13 raised two issues. The first was the humanitarian issue. The Director-General of the World Food Organization had personally visited the Democratic People's Republic of Korea, and had made copious recommendations, which were now being followed up. It could thus not be claimed that the draft resolution must be adopted on humanitarian grounds. Secondly, she was particularly disturbed at the possible implications of the fact that the television crew that had been present at the previous meeting had come, not from the Democratic People's Republic of Korea, but from the Republic of Korea.

30. Mr. JOINET said that he failed to see how a text whose four operative paragraphs began with the formulations "Urgently calls on", "Requests", "Invites" and "Also invites" respectively, could be construed as an attack or as a condemnation. Responding to Mrs. Attah, he said that the issue was not a humanitarian one. If Mr. Fan Guoxiang so wished, he was willing to delete paragraph 4. Furthermore, he did not see how the moderate language employed in the draft resolution could possibly endanger the negotiations. He remained adamant that the text should not be withdrawn, and reiterated that it was not directed against a Government, but instead supported a people whose lives were shrouded in persistent silence.

31. Mr. HAN Chang On (Observer for the Democratic People's Republic of Korea) said that his delegation strongly rejected draft resolution L.13. First, the draft resolution had been fabricated by behind-the-scenes trickery, abusing the International Covenant on Civil and Political Rights in the name of the forces engaged in stifling his country. Five of the draft resolution's nine paragraphs accused his country of failing to implement international instruments. With regard to the Covenant, his country's initial report had been submitted and considered, and its first periodic report had been prepared. Almost 50 countries were overdue in submitting their reports, some more so than his own country. Even some of the draft resolution's sponsors' countries had failed to submit their first periodic reports. The sponsors' assertion with regard to the Covenant was thus illogical, contradictory and discriminatory.

32. The draft resolution had been formulated and submitted in haste and extreme secrecy, and circulated only a few hours before the deadline for submission of draft resolutions. The work of the Sub-Commission should be undertaken in an impartial and transparent manner, in full consultation with the country concerned, with a view to promoting and protecting human rights.

33. Secondly, the resolution was based on false information provided by one party hostile to the other, the product of the serious confrontation on the Korean peninsula, that had been divided by foreign forces for more than half a century. Vast numbers of United States troops were stationed in the south of Korea, and the Democratic People's Republic of Korea had been in constant danger of being stifled by force. That unsuccessful military pressure was supplemented by political, economic and other strategies. He wished to make it clear that all sources of so-called human rights problems in his country emanated from the south of the peninsula. Adoption of the draft resolution by the prestigious Sub-Commission would be tantamount to issuing a challenge to a sovereign State. Even now persons were present in the conference room who sought further to aggravate the situation on the Korean peninsula, taking advantage of the adoption of a politically motivated draft resolution. It was crystal-clear what a negative impact adoption of the draft resolution would have on the quadrilateral and bilateral talks currently taking place.

34. Thirdly, the sponsors of the draft resolution had been blinded by their desire to achieve their own political aims. His country was a people-centred society, where the rights and dignity of the people were guaranteed and protected by benevolent policies. It was a society where everything served the people and relations were interlinked in unity and cooperation, love and

trust. His Government's steadfast position on human rights was that the norm of human rights was what the popular masses desired and demanded; and the supreme principle of State activities was to respect and guarantee the dignity and rights of the people to the full. People was government, government people, in his country. Attempts to violate its sovereignty and dignity on the pretext of protecting human rights could never be tolerated. As long as the international human rights instruments were politically abused to attack the system chosen by his country's people, it did not feel the need to remain bound by them. If the draft resolution was forcibly adopted in pursuit of political goals, his Government would have no alternative but to take countermeasures.

35. A vote was taken by secret ballot.

36. At the invitation of the Chairman, Mr. Chernichenko and Mr. Khalifa acted as tellers.

37. The draft resolution was adopted by 13 votes to 9, with 3 abstentions.

Draft resolution E/CN.4/Sub.2/1997/L.16

38. Mr. LINDGREN ALVES stressed that his comments should not be taken to refer in any way to the substance of the draft resolution. He recalled that among the initiatives taken by the Sub-Commission in response to criticism of its functioning and calls for its reform was the adoption of decision 1996/115, in which it decided not to take action on human rights situations in particular countries which the Commission on Human Rights was considering under its public procedures. The Commission, in resolution 1997/22, had welcomed the decision to avoid duplication of its work, and requested the Sub-Commission to limit action to exceptional cases in which new and particularly grave circumstances had arisen. In every situation of conflict, including that in the Middle East, there were of course new circumstances arising every day, but that did not necessarily mean that a new situation had been created.

39. He said that criticism of the Sub-Commission at the most recent session of the Commission had come from the most diverse quarters, with some going so far as to call for its abolition. As a representative of his Government at that session, he had defended the Sub-Commission, arguing that it was serious about reform and had already begun the process. His argument would be borne out if the Sub-Commission agreed to withdraw the draft resolution.

40. Mr. BOSSUYT, saying that he too would refrain from referring to the substance of the draft resolution, supported Mr. Lindgren Alves. He said that Sub-Commission decision 1996/115, which had been adopted by an overwhelming majority, was absolutely clear and had been endorsed by the Commission. It made no provision for exceptions, and the Commission's request in its resolution 1997/22 that the Sub-Commission should limit action to exceptional new cases was a supplementary condition, not an exception. The Sub-Commission would lose credibility if it did not abide by its own decisions and chose to single out the human rights situation in Israel from those listed in annex I

of document E/CN.4/Sub.2/1997/33 as being under consideration by the Commission. The Sub-Commission was therefore not in a position to take a decision on the draft resolution, and should consider a formal proposal to that effect.

41. Mr. EL-HAJJÉ suggested that there was perhaps more than met the eye in the position taken by some of his colleagues, who had always refused to accept resolutions on the Middle East such as the one under consideration. For 50 years, the international community had grappled with the problems in that region, and finally a compromise had been reached in the various agreements signed in Oslo, Madrid and Washington. The refusal of one side to abide by those agreements amounted to an exceptional case of new and particularly grave circumstances, and thus the Sub-Commission had every right to alert the international community to the new situation, since respect for human rights in the region depended on observance of those agreements.

42. Mr. JOINET said that he attached great importance to procedure, and on procedural grounds he supported the call not to submit the draft resolution to a vote. It was true that the situation in Israel was tragic, and he personally considered that the Prime Minister of Israel bore much of the responsibility for the resurgence of terrorism, but procedure needed to be kept quite separate from substantive questions. The question was whether there were any new and particularly grave circumstances, of the order of the assassination of Mr. Rabin. Quite simply, the Sub-Commission must implement its own decisions in the knowledge that it did so under no political pressure from any source.

43. Mr. LINDGREN ALVES pointed out, for the benefit of Mr. El-Hajjé, that he had always supported the Sub-Commission's resolutions on the situation in the Middle East.

44. Mr. ALFONSO MARTÍNEZ assured Mr. Lindgren Alves that he and the other co-sponsors of the draft resolution took the decisions of the Sub-Commission very seriously indeed. Draft resolution L.16 met the criteria of both Sub-Commission decision 1996/115 and Commission resolution 1997/22. For that matter, the decisions of the Sub-Commission were not immutable and could be reversed at any time. The Commission, in full knowledge of the earlier decision of the Sub-Commission, had emphasized in subparagraph 3 (b) of its resolution the need to avoid duplicating its action with regard to country situations, and the draft resolution had been formulated very carefully so as to avoid doing precisely that. The Sub-Commission was at liberty to take decisions on country situations being dealt with by the Commission as long as there was no question of duplication. Moreover the Commission had requested the Sub-Commission, in the same subparagraph, to limit action to exceptional cases: could anyone deny that the circumstances in the Middle East were not new and particularly grave? Changes in the situation in the Middle East since the Commission's most recent session fully justified the Sub-Commission in taking any action it considered appropriate.

45. Mr. EIDE agreed with Mr. Alfonso Martínez that decisions of the Sub-Commission and resolutions of the Commission were not immutable, but said that they were not to be ignored within a few months of their adoption. When submitting his report, as former Chairman of the Sub-Commission, to the

Commission earlier in the year, he had been aware that the Sub-Commission was under close scrutiny, and his emphasis on the Sub-Commission's willingness to undertake reform had been well received. If the Sub-Commission went back on its decision 1996/115 and imposed a strange interpretation on resolution 1997/22 of the Commission, its credibility would be seriously undermined. In the past, he had voted in favour of resolutions on the situation in the Middle East, but the question currently facing members was of a procedural nature. He did not agree that events since the Commission had considered the situation earlier in the year amounted to exceptional new facts, and therefore expressed the hope that the Sub-Commission would decide to take no action on the draft resolution.

46. Mr. EL-HAJJÉ said that his colleagues' arguments were motivated by a concern with what they perceived as appropriate procedure and ignored the substance of the issue addressed in the draft resolution. The originators of the text believed that recent developments had created a situation that was sufficiently grave to warrant action by the Sub-Commission. Hundreds of thousands of people were suffering and homes were being destroyed. Peace agreements had been signed with Israel but it was flouting those agreements and continued to ill-treat entire communities, placing them under siege and denying them access to food and medicine. Travel restrictions had prevented pregnant women from reaching hospitals to give birth. Who would deny that those were serious circumstances?

47. If some paragraphs of the draft resolution seemed unduly political, they could be negotiated. The fact was, however, that Israel was inviting people from all over the world to settle in the Middle East and driving out the local people who had a right to live in their own land.

48. Mr. JOINET said that he would vote in favour of a motion calling for the maintenance of decision 1996/115. However, if such a motion was rejected, he was also prepared to vote in favour of the draft resolution. The current procedural debate was not motivated by a fear of dealing with the substance of the issue.

49. Mrs. WARZAZI moved the closure of the debate under rule 50 of the rules of procedure.

50. The CHAIRMAN said he took it that the motion to close the debate referred to the procedural discussion relating to the draft resolution.

51. Mr. ALFONSO MARTÍNEZ said he opposed the motion to close the debate. It might be useful to hear the views of other speakers.

52. A vote was taken by secret ballot.

53. At the invitation of the Chairman, Mr. Boutkevitch and Mrs. Palley acted as tellers.

54. The motion to close the procedural debate was adopted by 17 votes to 7, with 1 abstention.

55. Mr. BOSSUYT moved that a vote should be taken on the following draft decision: "The Sub-Commission decides, in view of decision 1996/115 adopted at its forty-eighth session, not to take a decision on draft resolution L.16."

56. Mr. GUISSÉ said that he opposed the draft decision. While rule 55 stated that a proposal which had been adopted or rejected could not be reconsidered at the same session, there was nothing to prevent the Sub-Commission from taking action at the current session on a topic that had been the subject of a decision at the previous session.

57. Mr. ALFONSO MARTÍNEZ said he suspected that Mr. Bossuyt's draft decision really amounted to a motion of no action on the draft resolution under rule 65.2 of the rules of procedure, a rule that many members had been reluctant to invoke for that purpose. He would oppose any such motion.

58. Mrs. PALLEY drew attention to rule 78, which stated that a rule of procedure could be temporarily suspended provided that 24 hours' notice of the proposal of suspension had been given. Her understanding was that a rule of procedure - to the effect that the Sub-Commission should not discuss human rights situations which the Commission was considering under the public procedures - had been established at the previous session and could not be suspended without 24 hours' notice.

59. Mr. YIMER said that decision 1996/115 had been a substantive decision and had no implications for the rules of procedure.

60. A vote was taken by secret ballot.

61. At the invitation of the Chairman, Mr. Fix Zamudio and Mr. Hatano acted as tellers.

62. The draft decision was adopted by 18 votes to 5, with 2 abstentions.

The meeting rose at 1.05 p.m.